IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14391 of 2004

Between:

B.V.Raghava Reddy, S/o B.Hanumantha Reddy, Shop No.15, Markapur Town, Prakasam District, R/o H.No.10-104-13, J.N.Colony, Markapur

..... PETITIONER

AND

1 The Joint Collector, Prakasam District
2 The Revenue Divisional Officer, Markapur, Prakasam District
3 The Mandal Revenue Officer, Markapur Mandal, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings No.RCH/1219/2004, dated 2-8-2004 of the 2nd respondent and also the action of the 1st respondent in not granting stay on the appeal filed by the petitioner, as being arbitrary, illegal and unconstitutional apart from being violative of principles of natural justice and consequently set aside the proceedings of the 2nd respondent dated 2-8-2004.

Counsel for the Petitioner: MR.G.NAGARAJU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioner is an authorised dealer in respect of Fair Price Shop No.15, Markapur Town, Prakasam District. The Revenue Divisional Officer, Markapur, the second respondent herein issued a notice dated 16.07.2004, calling upon the petitioner to show-cause why his authorisation should not be cancelled on the ground of certain allegations specified thereunder. The petitioner has submitted his explanation for the same. Thereafter, the Revenue Divisional Officer vide proceedings dated 02.08.2004 suspended the authorisation of the petitioner. Aggrieved by the same, the petitioner has preferred an appeal before the Joint Collector, Prakasam District-first respondent along with an application for stay of the order of suspension. The grievance of the petitioner is that the first respondent failed to consider his appeal and no orders have been passed so far even on the application for stay. Hence, this writ petition challenging the order of suspension, dated 02.08.2004 passed by the second respondent.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

Since the petitioner has already availed the alternative remedy of appeal provided under the Statute and the same is pending before the competent authority, I am not inclined to express any opinion on the merits of the case. It is for the petitioner to pursue the remedy already availed by him.

However, having regard to the plea taken by the petitioner that

the first respondent failed to consider his appeal as well as the application for stay so far, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application for stay filed by the petitioner in his appeal against the order of the second respondent, dated 02.08.2004 and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order. Till such orders are passed, the impugned order of suspension, dated 02.08.2004 shall not be given effect to. No costs.

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16.08.2004

VGB

To

1 The Joint Collector, Prakasam District
2 The Revenue Divisional Officer, Markapur, Prakasam District
3 The Mandal Revenue Officer, Markapur Mandal, Prakasam District

4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)

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